

Message Text

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FM SECSTATE WASHDC

TO CNO IMMEDIATE

CINCUSNAVEUR IMMEDIATE

S E C R E T STATE 164033

EXDIS

FOLL REPEAT MANAMA 0560 ACTION SECSTATE INFO CAIRO JIDDA KUWAIT

LONDON TEHRAN COMIDEASTFOR

29 JUL 74:

QUOTE S E C R E T MANANA 0560

EXDIS

E. O. 11652: GDS

TAGS: MARR, PFOR, US, BA

SUBJECT: RETENTION OF MIDEASTFOR IN BAHRAIN

REF: STATE 163984

1. I CALLED ON FOREIGN MINISTER JULY 28 TO DELIVER NOTE AUTHORIZED
AND TO MAKE POINTS CONTAINED PARA 1 REFTTEL.

2. DRAWING ON PARAS 2-5 REFTTEL, I DISCUSSED WITH FONMIN OUR DESIRE
TO MEET BAHRAIN'S REQUEST TO PRESERVE CONFIDENTIALITY OF NEGOTIA-
TIONS BUT POINTED OUT REQUIREMENTS FOR CONSULTATION WITH CONGRESS
AND POSSIBLY TRANSMITTAL OF FORMAL AMENDMENTS TO CONGRESS, SHOULD
FORMAL AMENDMENTS BE REQUIRED. FONMIN INDICATED UNDERSTANDING OF
THIS PROBLEM POINTING OUT THAT GOB FACED WITH SOMEWHAT SIMILAR ONE
SINCE IF ACTUAL TEXT OF AGREEMENT IS TO BE AMENDED GOB MAY FEEL IT

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HAS TO BRING THE AGREEMENT BEFORE THE NATIONAL ASSEMBLY. FOR THIS

REASON HE FELT GOB MIGHT PREFER AVOIDING AMENDMENT TEXT IF THIS WERE POSSIBLE.

3. I SAID, WHILE I WAS NOT TRYING TO GET INTO NEGOTIATION OF JURISDICTION QUESTION WITH HIM, IT SEEMED TO ME THERE WOULD BE BETTER CHANCE OF AVOIDING AMENDMENT OF TEXT IF GOB COULD ACCEPT SOMETHING LIKE JURISDICTION ARRANGEMENT WE HAD PROPOSED IN DEC. 29, 1973 NOTE. ADDED, THAT SINCE I WAS RETURNING TO WASHINGTON FOR CONSULTATIONS ON THIS QUESTION IT WOULD BE EXTREMELY HELPFUL IN EXPEDITING SETTLEMENT IF WE HAD BETTER IDEA OF WHAT EXACTLY GOB HAD IN MIND IN WAY OF JURISDICTION. FONMIN INDICATED THAT GOB HAD FOUND SOME PROBLEMS IN OUR DEC. 29 PROPOSAL. HE CONTINUED THAT BASIC FELT NEED OF GOB IS TO HAVE RECOGNIZED "RIGHT" TO EXERCISE CRIMINAL JURISDICTION. UNDER QUESTIONING HE SAID GOB IN REALITY WAS NOT INTERESTED IN HAVING JURISDICTION OVER "ON-DUTY" CRIMINAL OFFENSES BY U.S. NAVAL PERSONNEL. (ON THIS POINT I AM NOT ABSOLUTELY CERTAIN HE MEANS "ON-DUTY" REGARDLESS OF WHERE OFFENSE TAKES PLACE BUT MAY BE THINKING OF "ON-DUTY" WITHIN CONFINES OF U.S. NAVY FACILITIES HERE.) I ALSO QUERIED TO WHAT EXTENT GOB REALLY INTERESTED IN EXERCISING CRIMINAL JURISDICTION IN ALL "OFF-DUTY" CASES. WHILE FONMIN WAS NON-COMMITTAL IN RESPONSE, HE GAVE SOME INDICATION THAT IN FACT GOB MIGHT BE PREPARED TO WAIVE JURISDICTION IN MINOR "OFF-DUTY" CASES, BUT HE ADDED CAVEAT THAT THIS WAS A MATTER FOR LAWYERS TO DISCUSS. THEN HE STRESSED THAT THE BASIC PROBLEM GOB HAS ON JURISDICTION IS THAT IT MUST HAVE THE RIGHT IN CRIMINAL OFFENSES INVOLVING "OFF-DUTY" MIDDLE EAST FORCE PERSONNEL TO DETAIN AND INVESTIGATE WITHOUT HAVING TO TURN OFFENDER IMMEDIATELY OVER TO NAVAL AUTHORITIES. HE EXPLAINED THAT IN THIS RESPECT THE PRESENT JURISDICTION ARRANGEMENT APPEARS TO BAHRAINI OPINION AS EXTENSION OF EXTRA-TERRITORIAL LEGAL RIGHTS BRITISH EXERCISED HERE WHEN JUF AIR WAS A BRITISH MILITARY BASED AND BAHRAIN WAS UNDER BRITISH PROTECTION. HE ADDED, THAT WHILE BAHRAIN WOULD NOT CLAIM TO HAVE THE "WORLD'S BEST LEGAL SYSTEM", GOB IS PROUD OF EXISTING SYSTEM, SEEKING TO IMPROVE IT. AND OBVIOUSLY CONSIDERED LEGAL JURISDICTION OVER FOREIGNERS AN ATTRIBUTE OF INDEPENDENCE AND SOVEREIGNTY. HENCE IT IS IMPORTANT, HE CONTINUED, THAT U.S. NAVAL PERSONNEL "OFF-DUTY" BE TREATED JUST AS ANY OTHER AMERICAN, OR OTHER FOREIGNERS, ENJOYING HOSPITALITY OF BAHRAIN.

4. I HAVE ARRANGED TO MEET WITH MINISTER OF STATE FOR LEGAL
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AFFAIRS TO GET A MORE DETAILED IDEA OF GOB PROBLEMS ON JURISDICTION QUESTION AND HAVE ASKED CMEF HANKS TO JOIN ME IN THAT MEETING. I ALSO WILL BE MAKING COURTESY CALLS ON PRIME MINISTER AND ACTING AMIR PRIOR TO MY DEPARTURE.

5. PLAN TO ARRIVE WASHINGTON THIS COMING AMERICAN WEEKEND AND BE AVAILABLE TO BEGIN CONSULTATIONS MORNING AUG. 5. FONMIN EXPRESSED NO PRACTICAL PROBLEM WITH PUTTING OFF VISIT OF LEGAL TEAM UNTIL

LATTER PART OF AUGUST. HE ALSO ADMITTED THAT IN REGARDS TO "ECONOMIC CONSIDERATIONS" ABSENCE OF KEY GOB MINISTERS CONCERNED WITH THESE QUESTIONS REQUIRES THAT THESE DISCUSSIONS BE DELAYED UNTIL EARLY SEPT.

6. DEPT PASS DOD/ISA, CNO WASHDC, CINCUSNAVEUR.
TWINAM UNQUOTE.
INGERSOLL

SECRET

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